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CHAPTER XRELEASES1001 PERMANENT RELEASE FROM CONFINEMENT OR CORRECTIONAL CUSTODY FROM A WATERFRONT BRIG/CCU

1. Pretrial Detainees. Under the Manual for Courts-Martial (MCM), 1984, RCM 305(g) the following may direct release from pretrial confinement: Any commander of a prisoner or the Initial Reviewing Officer or the military judge detailed to the court martial to which the charges against the accused have been referred. For this purpose, "any commander" includes the immediate or higher commander of the prisoner and the commander of the installation on which the confinement facility is located.

a. When any of the officials noted above orders an individual released from pretrial confinement they shall notify the brig officer in writing. The brig officer or his or her designee shall prepare and sign the DD 367, Release Order. The original copy of the Release Order and the written notification of order of release from pretrial confinement shall become a permanent part of the detainee's brig file.

b. Under provisions of the Manual for Courts-Martial, 1984, RCM 305(1), no person whose release from pretrial confinement has been directed by a person authorized in paragraph 1, may be reconfined before completion of trial except upon the discovery, after the order of release, of evidence or of misconduct which, either alone or in conjunction with all other available evidence, justifies confinement.

2. Post-trial Prisoners. The brig officer effects an individual's release from post-trial confinement. Permanent release from confinement will be effected through use of the DD 367, Prisoners Release Order, signed by the brig officer or authorized designee, when such designees are authorized in writing. The brig officer shall authorize permanent release upon expiration of the term of confinement, adjusted to reflect clemency or other action, and further reduced by good conduct time, pretrial confinement credits, or administrative credits, as appropriate. The original copy of the DD 367, Prisoners Release Order shall become a permanent part of the prisoner file.

a. Release Date. The release date is the date confinement is completed. It is arrived at by reducing the full term of all sentences to confinement by proper credits and adjustments as

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described in Chapter 9 of reference (a). Permanent release of post-trial prisoners upon completion of sentence will be effected on the actual date of completion of sentence and shall be accomplished between 0800 and 1600 except for bread and water/diminished rations or under unusual circumstances which must be justified in writing.

3. Bread and Water or Diminished Rations Prisoners. An individual serving a sentence to bread and water or diminished rations shall serve the entire sentence imposed unless it is remitted or suspended. Individuals shall be released to a parent command representative on the final day of the sentence at any time prior to 2400. Release shall be effected through use of a DD 367, Prisoners Release Order signed by the brig officer or his authorized designee.

4. Awardees. Awardees shall be released from the correctional custody unit upon expiration of the term of correctional custody, unless a portion of the term has been suspended or remitted by the officer who imposed the punishment. Persons awarded the punishment of correctional custody do not earn good conduct time; however, the brig officer may recommend to the member's commanding officer that the member be awarded up to 5 days off the sentence for outstanding achievement and performance. Release is effected by an endorsement to the awardees TEMADD orders indicating the date and time of release. A copy of the TEMADD orders with required endorsement shall become a permanent part of the awardee file. Awardees shall only be released to a member of their parent command, unless that command has made other arrangements that have been coordinated with the waterfront brig/CCU prior to release. The counselor assigned to the case shall coordinate with the parent command to ensure they are aware of the date and time when the awardee will be released. The counselor shall make the correctional custody officer aware of any potential problems to assist in resolution.

a. Awardees whose parent command is an afloat unit that is departing the area for other than local operations shall be released from correctional custody and returned to their parent command prior to its departure from the area. Commands may make arrangements to have the individual complete his or her full sentence to correctional custody at the waterfront brig/CCU; however, to accomplish this they must provide TEMADD orders and accounting data and coordinate transportation with the servicing Personnel Support Detachment/Transient Personnel Unit prior to their departure.

b. Awardees whose behavior during assignment to the correctional custody unit becomes disruptive and who, in the opinion of the waterfront brig/CCU staff, have no potential for

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future satisfactory military service may be recommended for early termination of the program. Such a recommendation will be made to the officer who imposed the punishment of correctional custody, and it will be that officer who makes the final decision as to whether or not correctional custody will be terminated. Any individual whose term of correctional custody is terminated under these circumstances shall be returned to his or her parent command in a disciplinary status and a NAVPERS 1626/7, Report and Disposition of Offense(s) shall be forwarded to the parent command on release.

1002 TEMPORARY RELEASE FROM A WATERFRONT BRIG/CCU

1. Pretrial Detainees. Pretrial detainees will be temporarily released from the brig to attend legal proceedings, visit counsel, medical, etc., where such visits cannot feasibly be conducted at the brig. Temporary release shall be effected through use of the DD 629, Receipt for Prisoner or Detained Person. Escort requirements in order to meet above appointments are the responsibility of the command ordering the person into confinement.

a. Maximum custody pretrial detainees who require hospitalization will be temporarily released from the brig through use of DD 629, Receipt for Prisoner or Detained Person. Hospital personnel shall receipt for the pretrial detainee; however, either a waterfront brig/CCU staff member or a member of the detainee's parent command who has received training from the waterfront brig/CCU and who is escort qualified shall provide a 24 hour watch for the detainee during hospitalization. As soon as the detainee no longer requires hospitalization, he or she shall be returned to the brig. These procedures coincide with policy contained in NAVMEDCOMINST 6320.11 (NOTAL).

b. Detainees requiring hospitalization who are classified as medium-out/medium-in or minimum custody classification by the brig officer shall temporarily removed from the brig through the use of DD 629, Receipt for Prisoner or Detained Person. The detainee's parent command shall receipt for the detainee. The detainee's parent command shall provide an individual who has received training from a waterfront brig and who is escort qualified to conduct a 24-hour watch over the detainee for the period during which the detainee is not in the brig. As soon as the detainee no longer requires hospitalization, he or she shall be returned to the brig. Alternatively, the detainee may be released from confinement by the detainee's parent command under RCM 305(g). Once released by that authority however, the provisions of Article 1001.1.b apply. Commands unable to provide escorts and not desiring to release a detainee from confinement should consult local legal resources.

c. The decision on whether or not a pretrial detainee will be released from confinement to go on emergency leave rests with the officer who ordered pretrial confinement. If that officer decides to grant emergency leave, it is preferred that the individual be released from confinement. However, in unusual circumstances, the detainee may be temporarily released from the brig using DD 629, Receipt for Prisoner or Detained Person and receipted for by a member of the command that initially confined the detainee. Escorts must be furnished by the parent command.

2. Post-trial Prisoners. Post-trial prisoners may be temporarily released from the brig to go on work details, visit legal, medical, chaplain, etc., when such appointments cannot feasibly be conducted at the brig. Temporary release will be effected through use of DD 629. Except for work details, escorts will be provided by the prisoner's parent command, the Transient Personnel Unit to which the prisoner is attached or in the absence of a Transient Personnel Unit, the master at arms force of the station where the waterfront brig/CCU is located. Prisoner work details outside the confines of the brig shall normally be escorted by a brig escort or by the quarters supervisor of the dorm to which the prisoner is assigned. In unusual circumstances, where there are insufficient waterfront brig staff to supervise all work evolutions, a trained escort from the activity requesting a work detail may be used to supervise the work detail. When this occurs, the waterfront brig/CCU work supervisor shall make frequent visits to the work site (at least once in the morning and once in the afternoon) to observe procedures.

a. Post-trial prisoners classified as medium-in/medium-out or minimum custody requiring hospitalization shall be delivered to hospital security staff for admission. The hospital will be responsible for maintaining security and control of the prisoner under procedures outlined in NAVMEDCOMINST 6320.11 (NOTAL). Temporary release shall be effected through use of DD 629. The DD 629, prepared by the waterfront brig/CCU, shall indicate the prisoner's custody classification, offense, expected normal release date and whether the prisoner is considered to be a threat to himself/herself or others. The brig will provide any additional information that will assist the hospital in providing treatment and supervision. As soon as prisoners no longer require hospitalization, they shall be returned to the brig for completion of confinement. Prisoners shall not be placed in a medical holding company or on convalescent leave. Prisoners who remain hospitalized upon completion of confinement shall be transferred "TEMPORARY DUTY FOR TREATMENT" to the hospital on the scheduled release date. The brig officer will prepare a DD 367, Prisoners Release Order to effect permanent release from confinement in such cases.

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b. Post-trial prisoners classified as maximum custody requiring hospitalization shall be temporarily released from confinement through use of DD 629. Hospital security personnel shall receipt for the prisoner on admission. However, the brig will establish a 24-hour watch on all maximum custody prisoners during hospitalization. Either a waterfront brig/CCU staff member or a trained escort from the prisoner's parent command may be assigned duties to supervise a prisoner during hospitalization. As soon as a prisoner no longer requires hospitalization, he or she shall be returned to the waterfront brig/CCU for continued confinement. Prisoners shall not be placed in medical holding companies or on convalescent leave. Prisoners who remain hospitalized upon completion of confinement shall be transferred "TEMPORARY DUTY FOR TREATMENT" to the hospital on the scheduled release date. The brig officer will prepare a DD 367 to effect permanent release from confinement. On permanent release from confinement, the need to provide a 24-hour watch on the prisoner ceases.

c. Emergency Leave. The decision on whether or not to grant emergency leave to a post-trial prisoner rests with the brig officer. If the brig officer determines that emergency leave will be granted, a determination as to whether or not the prisoner is to be escorted during the emergency leave must be made. If the prisoner is to be escorted, temporary release will be effected through use of DD 629 and the staff member assigned escort duties will receipt for the prisoner. The prisoner will also be issued a leave authorization form. If the prisoner is to go on emergency leave under his or her own recognizance, he or she will be temporarily released using only the leave authorization form. In either case, confinement continues to run during emergency leave.

4. Awardees. Awardees may be temporarily absent from the waterfront brig/CCU when on work details, visiting legal, medical, chaplain, etc., when it is not feasible to conduct such appointments at the waterfront brig/CCU. Such temporary absences shall be effected through use of the DD 629. Escorts for awardees during such evolutions shall be the quarters supervisor assigned to the CCU. In unusual circumstances where waterfront brig/CCU staff are not available to supervise all evolutions, trained escorts from activities requesting work details may be used to escort awardees. When this occurs, the waterfront brig/CCU work supervisor shall make a personal visit to the work site at least once during the morning and once during the afternoon.

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a. Hospitalization. If awardees require hospitalization during their terms of correctional custody, it is strongly recommended that the officers who imposed the punishment of correctional custody defer the remaining portion of the sentence during the period of hospitalization. Under the Manual of The Judge Advocate General, Article 0113(b)(3), the commanding officer may defer the punishment of correctional custody for a period not to exceed 15 days if the awardee is found to be not physically fit to serve the punishment. If, however, the commanding officer does not desire to defer the sentence, the awardee will be temporarily released from the waterfront brig/CCU through use of the DD 629. Under this option the term of correctional custody continues to run while the awardee is hospitalized. No watch is required for an awardee during hospitalization.

b. The decision as to whether an awardee will be permitted to go on emergency leave during the term of correctional custody rests with the commanding officer who imposed the punishment. If this commanding officer authorizes emergency leave, temporary release from the waterfront brig/CCU will be effected through issuance of a leave authorization form. No one will be required to escort the awardee during emergency leave. The term of correctional custody continues to run during emergency leave.

1003 BRIG TO GATE PROGRAM

It is essential that a prisoner or awardee has appropriate orders on the day of release from confinement. To facilitate this, the following procedures will be established.

a. Prisoners returning to duty upon completion of confinement who are assigned to the brig/CCU in a TEMDU status shall be made available for orders a minimum of 3 weeks prior to normal release date. The correctional counselor assigned to handle the prisoner's case during confinement shall establish liaison with the cognizant personnel support detachment to ensure an availability report is submitted on schedule and shall monitor follow-up requests wherein orders have not been received on schedule.

b. Prisoners returning to duty upon completion of confinement who are assigned to the brig in a TEMADD status shall be returned to their parent command on the day that confinement is completed. The correctional counselor assigned to the case shall coordinate with the prisoner's parent command to ensure they are aware of the prisoner's scheduled release date and time of release. Any potential problems shall be presented to the brig officer to assist in resolution.

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c. Awardees shall be returned to their parent command upon completion of correctional custody in all cases. The correctional counselor assigned to the case shall coordinate with the parent command to ensure they are aware of the date and time when the awardee will be released. The counselor shall make the brig officer aware of any potential problems to assist in resolution.

d. Prisoners scheduled to be discharged with a punitive discharge upon completion of confinement, but in whose case the convening authority may not have yet taken action when confinement is completed, shall be made aware that they may opt to go on voluntary appellate leave. If the prisoner requests voluntary appellate leave, voluntary appellate leave processing should be completed so that the prisoner leaves the station on appellate leave on the day confinement is completed. The correctional counselor shall coordinate with the legal office responsible for placing the individual on appellate leave to ensure all requirements are completed that will allow for brig to gate processing.

e. Prisoners who are being discharged with a punitive discharge upon completion of confinement whose convening authority has taken action prior to completion of confinement, but whose sentence has not been ordered executed, shall be placed on involuntary appellate leave on the day confinement is completed. The correctional counselor assigned to the case shall coordinate with the legal office responsible for placing the prisoner on involuntary appellate leave and ensure all procedures are completed to allow for brig to gate processing.

f. Prisoners who are being processed for administrative separation shall, to the maximum extent possible, have all processing completed during confinement, so that they may be placed on administrative leave or be discharged on the day confinement is completed. The waterfront brig/CCU shall recommend that prisoners in this status who request Administrative Separation Board hearings be given priority as to scheduling of that Board. The correctional counselor assigned to the case shall coordinate with all parties to ensure all processing is proceeding as rapidly as possible. Potential problem areas shall be referred to the brig officer to assist in resolution.

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1004 RETURN OF PERSONAL EFFECTS ON RELEASE FROM THE WATERFRONT
BRIG/CCU

Prisoners and awardees shall take all personal effects and funds and valuables upon release from the waterfront brig/CCU. Prisoners and awardees shall receipt for such items using NAVPERS 1640/17, Inventory and Receipt of Valuables, Clothing and Personal Effects. If a prisoner is required to travel upon release from confinement, he or she shall be furnished with a minimum of \$25.00 in cash, provided he or she does not have this amount available at the brig/CCU. In no event will personnel or individuals being released be left in a situation where they have no reasonable capability of access to and payment for transportation necessary to return them to their command or other authorized destination.